

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
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Supervising Deputy Attorney General  
4 California Department of Justice  
1300 I Street, Suite 125  
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7

8 Attorneys for Complainant

9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-308

13 **JENEANE KELLEY**  
192 Erie Street  
14 Lockport, New York 14094

**DEFAULT DECISION  
AND ORDER**

15 **Registered Nurse License No. 634856**

[Gov. Code, §11520]

16 Respondent.  
17

18 **FINDINGS OF FACT**

19 1. On or about June 25, 2007, Complainant Ruth Ann Terry, M.P.H., R.N., in  
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs, filed Accusation No. 2007-308 against Jeneane Kelley ("Respondent") before  
22 the Board of Registered Nursing ("Board").

23 2. On or about March 22, 2004, the Board issued Registered Nurse License  
24 Number 634856 to Respondent. The license expired on July 31, 2005, and has not been  
25 renewed.

26 3. On or about July 9, 2007, Araceli Mercado, an employee of the  
27 Department of Justice, served by Certified and First Class Mail a copy of the Accusation  
28 No. 2007-308, Statement to Respondent, Notice of Defense, Request for Discovery, and

1 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record  
2 with the Board, which was and is 192 Erie Street, Lockport, New York 14094. A copy of the  
3 Accusation, the related documents, and Declaration of Service are attached as **Exhibit A**, and are  
4 incorporated herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the  
6 provisions of Government Code section 11505(c).

7 5. On or about July 24, 2007, the aforementioned documents were returned  
8 by the U.S. Postal Service marked "Return to Sender, Not Deliverable as Address, Unable to  
9 Forward." A copy of the envelope returned by the post office is attached hereto as **Exhibit B**,  
10 and is incorporated herein by reference.

11 6. On or about July 24, 2007, Carol L. Sekara, an employee of the  
12 Department of Justice, served by Certified and First Class Mail a copy of the Accusation  
13 No. 2007-308, Statement to Respondent, Notice of Defense, Request for Discovery, and  
14 Government Code sections 11507.5, 11507.6, and 11507.7 to 41 Crittendon Blvd., Rochester,  
15 New York 14623. A copy of the Accusation, the related documents, and Declaration of Service  
16 are attached as **Exhibit A**, and are incorporated herein by reference.

17 7. Service of the Accusation was effective as a matter of law under the  
18 provisions of Government Code section 11505(c).

19 8. On or about July 31, 2007, the aforementioned documents were returned  
20 by the U.S. Postal Service marked "Moved Left No Address." A copy of the envelope returned  
21 by the post office is attached hereto as **Exhibit C**, and is incorporated herein by reference.

22 9. Government Code section 11506 states, in pertinent part:

23 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
24 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
25 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
26 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

27 ///

28 ///

10. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2007-308.

11. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

12. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibit A, finds that the allegations in Accusation No. 2007-193 are true.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent has subjected her Registered Nurse License Number 634856 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License Number 634856, based upon the following violations alleged in the Accusation:

a. Business and Professions Code sections 2761(a)(4) (Out-of-State Discipline); 2762(a) (Obtained and Possessed a Controlled Substance); and 2762(e) (Grossly Inconsistent or Unintelligible Entries in Hospital or Patient Records). The agency has jurisdiction to adjudicate this case by default.

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1 **ORDER**

2 **IT IS SO ORDERED** that Registered Nurse License Number 634856, heretofore  
3 issued to Respondent, Jeneane Kelley, is revoked.

4 Pursuant to Government Code section 11520(c), Respondent may serve a written  
5 motion requesting that the Decision be vacated and stating the grounds relied on within seven (7)  
6 days after service of the Decision on Respondent. The agency in its discretion may vacate the  
7 Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on December 20, 2007

9 **IT IS SO ORDERED** November 20, 2007

10 *LaTrancine W Tate*

11 FOR THE BOARD OF REGISTERED NURSING  
12 DEPARTMENT OF CONSUMER AFFAIRS

13  
14 **Attachments:**

15 **Exhibit A:** Accusation No.2007-308, Related Documents, and Declaration of Service  
16 **Exhibit B:** Copy of Envelope Returned by Post Office (192 Ernie St.)  
17 **Exhibit C:** Copy of Envelope Returned by Post Office (41 Crittendon Blvd.)

18 SA2006101261  
19 Default (kdg) 8/16/07  
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Exhibit A

Accusation No. 2007-308,  
Related Documents and Declaration of Service

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JANICE K. LACHMAN, State Bar No. 186131  
Supervising Deputy Attorney General  
4 California Department of Justice  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-7384  
Facsimile: (916) 327-8643

7 Attorneys for Complainant

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-308

13 JENEANE KELLEY  
192 Erie Street  
14 Lockport, New York 14094

**A C C U S A T I O N**

15 Registered Nurse License No. 634856

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
22 ("Board"), Department of Consumer Affairs.

23 2. On or about March 22, 2004, the Board issued Registered Nurse License  
24 Number 634856 to Jeneane Kelley ("Respondent"). The registered nurse license expired on  
25 July 31, 2005, and has not been renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with section  
2 2750) of the Nursing Practice Act.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
5 against the licensee or to render a decision imposing discipline on the license. Under section  
6 2811(b) of the Code, the Board may renew an expired license at any time within eight years after  
7 the expiration.

8 5. Section 2761 of the Code states in pertinent part:

9 The board may take disciplinary action against a certified or  
10 licensed nurse or deny an application for a certificate or license for any of the  
following:

11 (a) Unprofessional conduct, which includes, but is not limited to,  
12 the following:

13 (4) Denial of licensure, revocation, suspension, restriction, or any  
14 other disciplinary action against a health care professional license or certificate by  
15 another state or territory of the United States, by any other government agency, or  
16 by another California health care professional licensing board. A certified copy of  
the decision or judgment shall be conclusive evidence of that action.

17 6. Section 2762 of the Code states in pertinent part:

18 In addition to other acts constituting unprofessional conduct within  
the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct  
19 for a person licensed under this chapter to do any of the following:

20 (a) Obtain or possess in violation of law, or prescribe, or except  
as directed by a licensed physician and surgeon, dentist, or podiatrist administer to  
21 himself or herself, or furnish or administer to another, any controlled substance as  
defined in Division 10 (commencing with Section 11000) of the Health and Safety  
Code or any dangerous drug or dangerous device as defined in Section 4022.

22 (e) Falsify, or make grossly incorrect, grossly inconsistent, or  
23 unintelligible entries in any hospital, patient, or other record pertaining to the  
substances described in subdivision (a) of this section.

24 7. Section 11173(a) of the Health and Safety Code provides:

25 No person shall obtain or attempt to obtain controlled substances, or  
26 procure or attempt to procure the administration of or prescription for controlled  
substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the  
27 concealment of a material fact.  
28

1           8.       Section 4060 of the Code provides, in pertinent part,

2               No person shall possess any controlled substance, except that  
3               furnished to a person upon the prescription of a physician, dentist, podiatrist,  
4               optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or  
5               furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to  
6               Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician  
7               assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section  
8               3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or  
9               clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section  
10              4052.

### 11                               **COST RECOVERY**

12           9.       Section 125.3 of the Code provides, in pertinent part, that the Board may  
13           request the administrative law judge to direct a licensee found to have committed a violation or  
14           violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
15           and enforcement of the case.

### 16                               10.     **DRUG**

17                **“Dilaudid,”** a brand of hydromorphone, is a Schedule II controlled  
18           substance as designated by Health and Safety Code section 11055(b)(1)(K).

### 19                               **FIRST CAUSE FOR DISCIPLINE**

20                               (Out-of-State Discipline)

21           11.       Respondent's registered nurse license is subject to disciplinary action under  
22           Code section 2761(a)(4) on the grounds of unprofessional conduct, in that on or about  
23           December 13, 2005, pursuant to the Consent for Entry of Voluntary Surrender, Order No.  
24           0508089, *In the Matter of Professional Nurse License No. RN124817 Issued to: Jeneane Lee*  
25           *Kelley* (attached hereto as **Exhibit A**), the Arizona State Board of Nursing accepted the voluntary  
26           surrender of Respondent's Arizona Professional Nurse License, No. RN124817. The basis for  
27           said discipline is that on or about January 10, 2005, while working as an agency nurse at West  
28           Valley Hospital in Arizona, Respondent withdrew four doses of Dilaudid from the Accudose  
29           system, then failed to account for three doses of the Dilaudid in any patient or hospital record.



[illegible]

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2. Ordering Jeneane Kelley to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 6-28-07

*Ruth Ann Terry*  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

03579110-SA2006101261  
Kelley.acc.wpd  
bc 2/08/07

## **EXHIBIT A**

**Consent for Entry of Voluntary Surrender, Order No. 0508089**

**Janet Napolitano**  
Governor



**Joey Ridenour**  
Executive Director

*Arizona State Board of Nursing*

1651 East Morten, Suite 210  
Phoenix, AZ 85020-4613  
Phone (602) 889-5150 Fax (602) 889-5155  
E-Mail: [arizona@azbn.org](mailto:arizona@azbn.org)  
Home Page: <http://www.azboardofnursing.org>

**AFFIDAVIT OF CUSTODIAN OF RECORDS**

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **JENEANE LEE KELLEY**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 1651 E. Morten Avenue, Suite 210, Phoenix, Arizona 85020 on February 7, 2006.

SEAL

A handwritten signature in black ink that reads "Joey Ridenour" followed by a stylized flourish.

Joey Ridenour, R.N., M.N.  
Executive Director

# AZ State Board of Nursing

Date Printed: 02/07/2006

By: VICKY DRIVER, LICENSING

**NAME** JENEANE LEE KELLEY

**GENDER:** F      **ETHNICITY:** White

**PLACE OF BIRTH** CITY: PHOENIX      **STATE:** AZ

**HOME ADDRESS**

**MAILING ADDRESS**

**BUSINESS ADDRESS**

11 CRITTENDON BLVD

ROCHESTER NY 14623

County: Out of State

County:

County:

**HOME PHONE:** N/A

**PAGER:** N/A

**CELL PHONE:** N/A

**BUSINESS PHONE:** N/A

**FAX:** N/A

**E-MAIL:**

**OTHER NAMES**

**NAMES USED**

**REASON**

**NAMES USED**

**REASON**

**AZ LICENSE/CERTIFICATION INFORMATION:**

**License/Certificate Number:** RN124817

**License Type:** REGISTERED NURSE

**Original Date:** 10/14/2003

**Expiration/Next Renewal Date:** 05/30/2005

**Last Issued Date:** 10/14/2003

**Original State of Licensure/Certification:** NEW YORK

**AZ LICENSE STATUS HISTORY**

<u>STATUS</u>	<u>FROM</u>	<u>TO</u>	<u>LAST MODIFIED BY:</u>
Temporary	09/25/2003	10/15/2003	BARBARA RITENOUR
Application/Def. Notice Sent	09/25/2003	10/09/2003	BARBARA RITENOUR
Valid in Arizona Only	09/25/2003	10/06/2004	
Active: Good Standing	10/14/2003	05/20/2005	WEBSERVICES
Multi State Privileges	10/06/2004	03/23/2005	OLGA ZUNIGA
Valid in Arizona Only	03/23/2005	05/20/2005	WEBSERVICES
Inactive	05/20/2005	12/13/2005	OLGA ZUNIGA
Complaint/Self Report	08/29/2005	12/13/2005	SUANNE SMITH
Voluntary Surrender	12/13/2005		SUANNE SMITH

**SCHOOL INFORMATION**

<u>NAME</u>	<u>LOCATION</u>	<u>NCLEX CODE</u>	<u>DEGREE OBTAINED</u>	<u>GRADUATION DATE</u>
ERIE COMMUNITY COLLEGE	WILLIAMSVILLE NY		Associate Degree	01/12/1996

**OTHER STATES OF LICENSURE/CERTIFICATION**

<u>LIC/CERT NO</u>	<u>STATE</u>	<u>LIC/CERT TYPE</u>	<u>STATUS</u>	<u>LIC/CERT DATE</u>	<u>ORIG STATE</u>
	NY	REGISTERED NURSE	Inactive	05/31/2005	Y

**MOST RECENT APPLICATION INFORMATION**

**Year:** 2005

**Employment Status:**

**Type of Nursing Position:**

**Major Clinical or Teaching Area in Nursing:**

**Principle Field of Employment:**

**ARIZONA STATE BOARD OF NURSING**  
1651 East Morten Avenue, Suite 210  
Phoenix, Arizona 85020-4613  
602-889-5150

IN THE MATTER OF PROFESSIONAL  
NURSE LICENSE NO. RN124817  
ISSUED TO:  
JENEANE LEE KELLEY  
RESPONDENT

**CONSENT FOR ENTRY OF  
VOLUNTARY SURRENDER  
ORDER NO. 0508089**

A complaint charging Jeneane Lee Kelley ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §32-1663 (D)(5), Respondent voluntarily surrenders her license for a minimum of five years.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law:

**FINDINGS OF FACT**

1. Respondent holds Board issued professional nurse license no. RN124817.
2. On or about January 27, 2005, the Board received a written complaint from Barbara L. Young, Director of Temporary Services at Dependable Nurses of Phoenix, Inc, stating that Respondent had been working as an agency nurse at West Valley Hospital on January 10, 2005. While working on a medical-surgical unit, Respondent withdrew four doses of Dilaudid from the Accudose system; but, three doses had not been documented in the patients' medical records.
3. On or about February 8, 2005, Board staff interviewed Respondent, who admitted that she diverted the Dilaudid for the pain she was having in her leg. She stated that she had been bitten

by a brown recluse spider and ulcer had developed as a result. Although she had been prescribed Percocet for pain for her diagnosis of fibromyalgia, the Percocet did not relieve the pain she had from the spider bite. While at work, she began to experience severe pain and self-injected the Dilaudid to relieve her pain.

4. On or about March 23, 2005, Respondent signed the Stipulated Agreement which required, in part, that Respondent attend a chemical dependency treatment program, enroll in a drug screening program and submit to required monthly random drug screens, attend two AA meetings per week and one nurse support group weekly, abstain from the use of alcohol and narcotics, attend aftercare, abstain from unauthorized drug use, notify CANDO of any prescription received, to apply for renewal her professional nurse license when it expires, to refrain from working as a nurse until approval to return to work was obtained from the CANDO consultant and upon return to nursing practice, abide by standard nursing practice restrictions.

5. On or about April 22, 2005, Respondent stated that she had completed the assessment for entry into Southwest Behavioral Health intensive outpatient program. Respondent failed to enter and complete the intensive outpatient program.

6. On or about May 6, 2005, Respondent was sent a letter, stating that she had not attended two AA/NA meetings per week in April 2005.

7. On or about May 6, 2005, Respondent failed to submit a mandatory, random drug screen.

8. On or about May 31, 2005, Respondent failed to submit a mandatory, random drug screen.

9. On or about June 8, 2005, Respondent failed to submit a mandatory, random drug screen.

10. On or about June 15, 2005, Board staff send Respondent a letter, requesting she schedule an appointment with Board staff to discuss her non-compliance. Respondent failed to schedule an appointment.

11. On or about June 15, 2005, Respondent placed her professional nurse license on inactive status.

12. On or about June 30, 2005, Respondent failed to renew her professional nurse license.

13. On or about July 18, 2005, Respondent failed to submit a mandatory, random drug screen.

14. On or about August 17, 2005, Board staff sent Respondent a letter, requiring Respondent to meet with Board staff on August 29, 2005, regarding her non-compliance. Respondent failed to show for the appointment.

15. On or about August 26, 2005, Respondent requested to voluntarily surrender her license.

#### **CONCLUSIONS OF LAW**

Pursuant to A.R.S. § § 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-1601(d), (h), (i) and (j) and A.A.C. R4-19-403(1), (5), (6), (11), (13) and (25).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. §§ 32-1663 (D)(5) 32-1664(N) to take disciplinary action against Respondent's license to practice as a professional nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact, Conclusions of Law.



Respondent understands that she has an opportunity to request a hearing and declines to do so. Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to this Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into the Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this voluntary surrender is effective upon its acceptance by the Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by the Respondent, the agreement cannot be withdrawn without the Executive Director or the Board's approval or by stipulation between the Respondent and the Executive Director or the Board. The effective date of this Order is the date the Voluntary Surrender is signed by the Executive Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the later date is the effective date.

Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent also understands that she may not reapply for reinstatement during the period of Voluntary Surrender.

Respondent agrees that she may apply for reinstatement after the period of voluntary

surrender under the following conditions, and must comply with current law at the time of their application for reinstatement:

The application for reinstatement must be in writing and shall contain therein or have attached thereto substantial evidence that the basis for the voluntary surrender has been removed and that the reinstatement of the license does not constitute a threat to the public's health, safety and welfare. The Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding the Respondent as it deems necessary. These conditions shall be met before the application for reinstatement is considered.

*I am Surrendering license due to failing health, otherwise I would have completed the program. I do not anticipate returning to work.*

*Miller*  
Jeneane Lee Kelley, Respondent

Date: 12/4/05

ARIZONA STATE BOARD OF NURSING

SEAL

*Joey Kidenour*  
Joey Kidenour, R.N., M.N.  
Executive Director

Dated: 12/13/05

SSMITH/KELLEY/RN124817

**ORDER**

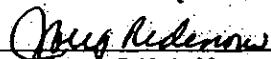
Pursuant to A.R.S. § 32-1663 (D)(5) the Board hereby accepts the Voluntary Surrender of professional nurse license number RN124817, issued to Jeneane Lee Kelley. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the

privilege of a multistate license.

IT IS FURTHER ORDERED that Respondent may apply for reinstatement of said license after a period of five years.

SEAL

ARIZONA STATE BOARD OF NURSING

  
Joey Midenour, R.N., M.N.  
Executive Director

Dated: 12/13/05

JR/SS:oz

COPY mailed this 3rd day of November 2005 by First Class Mail to:

Jeneane Lee Kelley  
41 Crittendon Blvd.  
Rochester, NY 14623

By: Olga Zuniga  
Administrative Secretary

**CANDO PROGRAM  
ARIZONA STATE BOARD OF NURSING  
CONFIDENTIAL STIPULATED AGREEMENT**

Pursuant to A.R.S. §32-1605.01(B)(6) and §32-1606(A)(5), the Arizona State Board of Nursing, through its executive director, has authority to enter into the following agreement and pursuant to A.R.S. §32-1663, as defined in A.R.S. §32-1601(16)(k), has authority to enforce the following agreement.

I, Jeneane Lee Kelly, License No. RN124817, agree to participate in CANDO, the Arizona State Board of Nursing's ("Board") confidential, nondisciplinary monitoring program for chemically dependent nurses. I have voluntarily chosen to participate in CANDO and agree to adhere to the following conditions set forth in this agreement:

1. To participate in CANDO for a minimum period of three years.
2. To completely abstain from the use of alcohol and all other mind/mood altering medications and controlled and/or addictive substances.
3. To enter within fourteen (14) calendar days a Arizona Department of Health Services licensed and Board acceptable chemical dependency treatment program. I agree to abide by all recommendations of that program regarding ongoing treatment and discharge planning. Documentation of name of program, therapist and/or counselor, date of entry, attendance, progress, completion, and recommendations must be submitted to CANDO.
4. To refrain from the practice of nursing until CANDO has received a recommendation to return to work from the medical director or equivalent of the chemical dependency treatment program and CANDO has approved my re-entry into nursing.
5. Within seven (7) calendar days of the completion of the intensive phase of the treatment program, enter an Arizona Department of Health Services licensed and Board acceptable aftercare program facilitated by the original chemical dependency treatment program. The aftercare program must be a minimum of six (6) months in length. A CANDO provided aftercare report must be submitted to CANDO by the last day of my reporting months. In addition, a letter documenting successful completion must be submitted to CANDO by the aftercare program.
6. To be evaluated by a Board acceptable chemical dependency therapist after completing my first year in CANDO to identify any deficiencies in my recovery program. I agree to abide by his/her recommendations which may include ongoing counseling.
7. To attend a minimum of two (2) Alcoholics Anonymous or equivalent program meetings each week and to submit the CANDO provided attendance sheet by the last day of my reporting months. I will also obtain a sponsor within sixty (60) days of entering CANDO and maintain a relationship with a sponsor during my participation in CANDO.
8. To attend weekly a Board acceptable nurse recovery group. If there is no group within forty (40) miles of my home, I will attend an additional Alcoholics Anonymous or equivalent meeting each week.
9. To submit a complete CANDO provided self-report form to CANDO by the last day of my reporting months.

10. To select one health care provider for my health care needs and to immediately submit to him/her the CANDO provided health care provider form describing CANDO, the drug restrictions, and the required documentation if any medications are prescribed either currently or at any time while participating in CANDO. Additionally, I agree to notify any and all health care providers, that I receive treatment from, of my participation in CANDO prior to receiving treatment. If my health care provider prescribes a narcotic or mood altering medication, I shall ensure that the prescribing provider notifies CANDO immediately and submits monthly reports to CANDO regarding the continued need for the narcotic or mood-altering medication.
11. To refrain from taking any medication (except for ibuprofen, plain aspirin and/or acetaminophen) unless I have obtained a written authorization from my health care provider. I will maintain a log of all medications taken including ibuprofen, plain aspirin and acetaminophen, and will submit the log to CANDO by the last day of my reporting months. The log shall include the following information: the medication taken; the date and time the medication was taken; the name of the authorizing health care provider; the reason for the medication.
12. To immediately notify CANDO if I am hospitalized or must undergo any procedures requiring the administration of medication, and to provide all required documentation from any and all health care providers.
13. To enroll within seven (7) days in a program for random drug screens that meets the NIDA guidelines and to submit to the screens as required by CANDO. Any confirmed positive drug screen for which CANDO has not received appropriate notification and documentation from the prescribing provider will be considered a relapse. My employer will be notified immediately. I will be re-evaluated for continued participation in CANDO. If it is a second relapse, I understand I will be discharged from CANDO.
14. To give prior notification of any inability to screen to the lab and CANDO. If I fail to notify CANDO and the laboratory of my inability to screen and fail to screen, I will be considered noncompliant with CANDO.
15. To notify within five (5) calendar days CANDO and the lab of any change in my home and/or employment phone number and/or address.
16. To report immediately to CANDO any relapse. Relapse is any actual use of mood or mind altering chemicals including alcohol.
17. To immediately cease practice of nursing if I relapse. Upon a relapse, I understand that I may not return to the practice of nursing until I have received written approval from CANDO.
18. To inform any and all nursing employers and/or schools of nursing of my participation in CANDO and to provide a copy of my Agreement to them and my assigned supervising nurse before accepting any clinical nursing assignment or working in a capacity requiring my nursing license. The employer/my supervisor and/or school of nursing shall submit to CANDO the completed CANDO provided form which documents my work status and ability to comply with all work restrictions.
19. To notify CANDO of any change in my employment status within five (5) calendar days of the change.

20. To have my direct supervisor complete the CANDO provided performance evaluation form in time to allow for the reports to be received by CANDO by the last day of my reporting months.
21. To observe the following work restrictions:
- a) Will not work registry, traveling nurse, nursing float pool, or any temporary employment agency work and will not work in a home or other community based settings in which direct supervision is not available.
  - b) Will work in a setting where there is always a minimum of one other registered nurse.
  - c) Will work any shift.
  - d) Will not work more than forty (40) scheduled hours of work in one week.
  - e) Will not work a shift within twelve (12) hours of the previous shift.
  - f) Will not work more than three (3) 12-hour shifts consecutively.
  - g) Will work in an area where there is consistent supervision provided by primarily one (1) individual who has been provided a copy of my Agreement. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, I shall cause my new supervising nurse to inform the CANDO Program, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Agreement and to include the new supervising nurse's ability to comply with the work related restrictions within ten days of assignment of a new supervising nurse.
  - h) May float only when no reasonable alternative exists and the receiving area has knowledge of the Licensee's participation in CANDO.
  - i) Will not have access to or dispense narcotics, synthetic narcotics including but not limited to Ultram, Nubain and Stadol, or other potentially addictive medications for a minimum of twelve (12) months. I agree to abide by this restriction until I have been evaluated by and receive written authorization from CANDO.
  - j) Will not accept a new supervisory position for one (1) year.
22. To sign all release of information forms relevant to my treatment and health care.
23. Signing this agreement authorizes communication between CANDO and the identified employer and direct supervisor, and between CANDO and my treatment providers.
24. To appear in person for any requested interviews, given reasonable notice by CANDO.
25. My reporting months (the last day of every other month) while participating in CANDO are as follows:

**April, June, August, October, December, and February.**

I understand any and all expenses incurred while I am a participant in CANDO are my responsibility.

I agree to apply for renewal of my license in the event that my license is scheduled to expire while this Stipulated Agreement is in effect. I understand I must pay the applicable fee and maintain qualifications to practice nursing in Arizona.

I agree to inform the CANDO Program, in writing, of a pending relocation out of the State of Arizona, and agree to notify the Board of Nursing, in the state in which relocation to practice nursing is considered, that I am a participant in the Arizona Board of Nursing's nondisciplinary program. I

understand that I must fully comply with the terms of this Agreement, regardless of residency. I understand that while participating in CANDO, I am not eligible for a multistate "Compact" license.

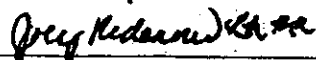
I understand that if at any time during my participation in CANDO, a complaint against my license is received by the Board, my participation in CANDO will be communicated to the Board for the Board's review in consideration of the complaint.

I understand that participation in CANDO is voluntary.


I understand that if I am noncompliant with the terms of this stipulated agreement in any respect, the CANDO Consultant may notify my employer of the noncompliance. Additionally, if I am noncompliant with any of the terms of the agreement, the length and terms of the agreement may be extended and/or modified, or I may be discharged from CANDO.

I understand that noncompliance with any of the terms of the Stipulated Agreement is considered a violation of the Nurse Practice Act. If terminated/discharged from this Agreement for noncompliance, any misconduct which may have occurred prior to the execution of this Stipulated Agreement or while this Agreement is in effect may be used in disciplinary proceedings by the Arizona State Board of Nursing (if I am discharged for noncompliance). Additionally, I understand that if discharged for noncompliance, all records of my participation in this program are no longer confidential or exempt from public records law. The Arizona State Board of Nursing may summarily suspend my nursing license if there is an immediate threat to the public health and safety. I further understand that Arizona State Board of Nursing disciplinary actions are reportable to the National Council of State Boards of Nursing Data Bank.

I hereby certify I have read this document, have had an opportunity to ask questions and I understand the agreement. Any modifications to the terms of this stipulated agreement are subject to the approval of the CANDO Consultant and must be documented in an addendum and signed by the Licensee and the Executive Director.

  
Joey Ridenour, R.N., M.N.  
Executive Director

Date: March 23, 2005

  
Leticia Lee Kelly  
License No.: RN124817

Date: 

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